

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MEDIA MATTERS FOR AMERICA, *et al.*,

Plaintiffs,

v.

WARREN KENNETH PAXTON JR., in his
official capacity as Attorney General of the
State of Texas,

Defendant.

CIV. NO. __-__

**DECLARATION OF BENJAMIN DIMIERO IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Benjamin Dimiero, declare as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this declaration.

2. I am the Editor-in-Chief of Media Matters for America ("Media Matters").

3. Media Matters is a web-based, not-for-profit, 501(c)(3) research and information center dedicated to comprehensively monitoring, analyzing, and correcting conservative misinformation in U.S. media.

4. I first joined Media Matters as an intern in 2007. After becoming a full-time staff member in 2008, I worked in both communications and writing roles, and then became head of the investigative research team. In 2016, I became the editorial director, where I oversaw the full-time editing team and several members of our senior writing staff. In 2023, I became the Editor-in-Chief of Media Matters, and I oversee the entire Editorial Department.

5. As Editor-in Chief, I am the last set of eyes for my team of senior writing staff, which includes setting processes for review and timing of articles, and outlining priorities for research and writing.

6. Our editorial team, consistent with the organization's mission, is focused on researching and writing articles to expose misinformation in the media. Like the rest of the organization, we adhere to our internal guidelines for news coverage, which reflect ordinary journalistic standards.

7. Our editorial team includes senior investigative reporter Eric Hananoki, with whom I work closely.

8. Along with other Media Matters reporters, writers, and researchers, Mr. Hananoki has written multiple articles about X Corp., its owner Elon Musk, and the social media platform X, formerly known as Twitter. These articles have often focused on the appearance of corporate advertisements alongside hateful content posted by white nationalist, antisemitic, and extremist users on X. Such articles include:

- *Under Elon Musk, Twitter is running corporate ads alongside tweets from Holocaust deniers*, Media Matters for America (Feb. 10, 2023).¹
- *Linda Yaccarino just started as Twitter's new CEO, but Elon Musk already destroyed the platform for advertisers*, Media Matters for America (June 8, 2023).²
- *Dish, Samsung, Wall Street Journal, and others are advertising on the Twitter account of a leading white nationalist group*, Media Matters for America (June 22, 2023).³
- *Update: Twitter placed ads for USA Today, National Women's Soccer League, and other major brands on a terrorism-linked neo-Nazi account*, Media Matters for

¹ Available at <https://www.mediamatters.org/twitter/under-elon-musk-twitter-running-corporate-ads-alongside-tweets-holocaust-deniers>.

² Available at <https://www.mediamatters.org/twitter/linda-yaccarino-just-started-twitters-new-ceo-elon-musk-already-destroyed-platform>.

³ Available at <https://www.mediamatters.org/twitter/dish-samsung-wall-street-journal-and-others-are-advertising-twitter-account-leading-white>.

America (July 27, 2023).⁴

- *Advertisers beware: Elon Musk and Linda Yaccarino are trying to lure you back by rebranding Twitter, but it's still a toxic cesspool*, Media Matters for America (Aug. 8, 2023).⁵
- *X Corp. CEO Yaccarino's interview on CNBC should alarm major advertising brands*, Media Matters for America (Aug. 11, 2023).⁶
- *Update: Under Linda Yaccarino, X is placing ads for major brands on a verified pro-Hitler account*, Media Matters for America (Aug. 16, 2023).⁷
- *X is placing ads for brands like the NFL and MLB next to unhinged conspiracy theories about Jewish people and 9/11*, Media Matters for America (Sept. 11, 2023).⁸
- *X is placing major ads on a heavily followed antisemitic account that endorses killing politicians and LGBTQ advocates*, Media Matters for America (Sept. 12, 2023).⁹
- *X is placing ads for the NFL on prominent white nationalist accounts*, Media Matters for America (Sept. 27, 2023).¹⁰
- *X is placing ads for MLB, the NFL, and the Pittsburgh Steelers on antisemitic and Holocaust denial accounts*, Media Matters for America (Oct. 12, 2023).¹¹
- *Pro-Hitler and Holocaust denier account: X has paid me \$3,000 in ad revenue sharing*, Media Matters for America (Nov. 13, 2023).¹²
- *As Musk endorses antisemitic conspiracy theory, X has been placing ads for Apple, Bravo, IBM, Oracle, and Xfinity next to pro-Nazi content*, Media Matters for America

⁴ Available at <https://www.mediamatters.org/twitter/twitter-placed-ads-usa-today-national-womens-soccer-league-and-other-major-brands-terrorism>.

⁵ Available at <https://www.mediamatters.org/twitter/advertisers-beware-elon-musk-and-linda-yaccarino-are-trying-lure-you-back-rebranding>.

⁶ Available at <https://www.mediamatters.org/twitter/x-corp-ceo-yaccarinos-interview-cnbc-should-alarm-major-advertising-brands>.

⁷ Available at <https://www.mediamatters.org/twitter/update-under-linda-yaccarino-x-placing-ads-major-brands-verified-pro-hitler-account>.

⁸ Available at <https://www.mediamatters.org/twitter/x-placing-ads-brands-nfl-and-mlb-next-unhinged-conspiracy-theories-about-jewish-people-and>.

⁹ Available at <https://www.mediamatters.org/twitter/x-placing-major-ads-heavily-followed-antisemitic-account-endorses-killing-politicians-and>.

¹⁰ Available at <https://www.mediamatters.org/white-nationalism/x-placing-ads-nfl-prominent-white-nationalist-accounts>.

¹¹ Available at <https://www.mediamatters.org/twitter/x-placing-ads-mlb-nfl-and-pittsburgh-steelers-antisemitic-and-holocaust-denial-accounts>.

¹² Available at <https://www.mediamatters.org/twitter/pro-hitler-and-holocaust-denier-account-x-has-paid-me-3000-ad-revenue-sharing>.

(Nov. 16, 2023) (the “November 16 article” or “Nov. 16 Article”).¹³

- *X is placing ads for Amazon, NBA Mexico, NBCUniversal, and others next to content with white nationalist hashtags*, Media Matters for America (Nov. 17, 2023).¹⁴

9. Mr. Hananoki authored 11 of the 14 articles referenced above, including the article published on November 16, 2023. The November 16 article, in addition to reporting on the appearance of advertisements alongside extremist content, commented on Mr. Musk’s recent endorsement of an antisemitic conspiracy theory.

10. While Media Matters and Mr. Hananoki reported extensively on these topics, X’s persistent placement of advertisements next to extremist content has been widely reported in the media by other sources.¹⁵

11. On November 20, 2023, X filed a lawsuit against Media Matters and Mr. Hananoki over Mr. Hananoki’s November 16 article and a subsequent article written by him and published on November 17, 2023.

12. On November 21, 2023, Attorney General Paxton issued a civil investigative demand that commanded Media Matters to produce documents and communications related to our

¹³ Available at <https://www.mediamatters.org/twitter/musk-endorses-antisemitic-conspiracy-theory-x-has-been-placing-ads-apple-bravo-ibm-oracle>.

¹⁴ Available at <https://www.mediamatters.org/twitter/x-placing-ads-amazon-nba-mexico-nbcuniversal-and-others-next-content-white-nationalist>.

¹⁵ Faiz Siddiqui, “Amazon, Uber, Snap ads appear on Twitter pages of white nationalists restored by Musk,” The Washington Post (Dec. 6, 2022), <https://www.washingtonpost.com/technology/2022/12/06/twitter-ads-elon-musk/>; Jon Porter, “Twitter advertisers aren’t happy with ads appearing on pages of white nationalists,” The Verge (Dec. 7, 2022), <https://www.theverge.com/2022/12/7/23497928/twitter-advertisers-brand-safety-unbanned-accounts-white-nationalists>; Jonathan Shorman, “Mizzou ad appears on racist X page as social media site faces concerned advertisers,” The Kansas City Star (Mar. 15, 2023), <https://www.kansascity.com/news/politics-government/article280309284.html>; Shannon Thaler, “Disney, Microsoft ads on Twitter show up next to neo-Nazi propaganda as advertisers return: report,” The N.Y. Post (June 19, 2023), <https://nypost.com/2023/06/19/disney-microsoft-ads-on-twitter-show-up-next-to-neo-nazi-propaganda-report/>.

research and writing processes, including about the November 16 article. For example, the demand requires Media Matters to turn over, among other things “all documents related to internal and external communications” relating to the November 16 article.

13. The investigation has dramatically changed my team’s editorial processes and had a negative impact on morale. Concern about the investigation on our team has created a new culture of fear about what can be researched and ultimately reported by our researchers and reporters. Stories that would normally be published after our usual vetting process—including stories about media coverage of Attorney General Paxton’s anti-abortion actions in Texas—now receive greater internal scrutiny and risk-calculation from myself, our senior editor, and Media Matters’s leadership. And stories on other topics—such as Musk’s decision to permit prominent conspiracy theorist Alex Jones back onto the platform—may go unreported on entirely. There is a general sense among our team and organization that we must tread very lightly, and be careful not to cross lines that would jeopardize our work or our employees’ safety. This heightened need for internal scrutiny and risk calculation is not due to any concerns that the reporting is fair or accurate, but because of concern that certain reporting could make us a target for further retaliation.

14. Since Attorney General Paxton announced his investigation, Media Matters’s editorial leaders have pared back reporting and publishing, particularly on any topics that could be perceived as relating to the Paxton investigation.

15. Critically, the lawsuit and corresponding investigation from Attorney General Paxton have compelled us to change what our approach would normally be following the publication of such important articles. Without the legal proceedings and threat of legal action from a state official, our team would be focused on keeping the momentum going following stories like Mr. Hananoki’s November 16 and 17 articles. We would be following up their publication

and widespread coverage with additional articles, or continued research from Mr. Hananoki related to extremism on the X platform, but for fear of retaliation. Notably, since Media Matters has been threatened by Attorney General Paxton and X, we have received several tips from people who have seen advertisements for prominent brands placed alongside extremist content. Though traditionally our approach would be to pursue these tips, despite this influx of possible leads, we have limited the scope of our reporting on this topic for fear of additional retaliation.

16. At least two articles that would have been published related to the topics in Mr. Hananoki's November 16 and November 17 articles have not been published due to concerns that their publication would lead to negative consequences and possible further legal action.

17. Media Matters's leadership and editorial team have also been forced to take a larger role in the organization's collective publishing decisions since Attorney General Paxton announced his investigation and served his Demand. In particular, I have been in communication much more than usual with leadership about what we should and should not publish. This has significantly slowed down our editorial and publication process, as we must work with leadership to assess whether publishing new articles will impact legal proceedings. In my more than 16 years at Media Matters, I do not think the organization has found itself in this posture.

18. Writers have expressed concern about their ability to conduct meaningful investigations that could form the basis for future publications, given concerns that legal proceedings will prevent us from publishing their work and that their notes and emails could be subject to search by hostile attorneys general like Paxton.

19. Attorney General Paxton's public threats against Media Matters have also contributed to safety concerns against Media Matters staff, including members of my team. These increased safety concerns have added to the culture of fear at Media Matters, and operate as a

serious distraction from our work, further harming our ability to produce reporting and journalism on political extremism in the United States media.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/11/2023

Ben Dimiero
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